

SUBSTANCE ABUSE REHABILITATION PROGRAM
PRIVACY ACT STATEMENT

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (5 U.S.C. 552a). The Privacy Act requires us to give the following information before we ask you for personal information.

1. Authority. 44 U.S.C. § 3101; 5 U.S.C. § 301; 10 U.S.C. § 978; 42 U.S.C. § 290dd-1, 290dd-2; 42 CFR Chap. I, pt. 2; SECNAVINST 5300.28C; OPNAVINST 5350.4C.

2. Principal Purposes. The information we request from you is intended principally to provide a basis on which to assess your use of alcohol and other drugs, and to provide therapeutic assistance to you as required. The information you provide will become part of your record at this facility.

3. Routine Uses. Under 42 U.S.C. § 290dd-2, any information you provide in connection with your involvement in a substance abuse program shall be confidential and may be disclosed outside the Department of Defense (DOD) only as expressly authorized in that statute. The "Blanket Routine Uses" found at the beginning of the Navy Systems of Records Notices do not apply to these types of records. The interchange of your information within the Uniformed Services is not limited by 42 USC § 290dd-2. The scope of the confidentiality and use of your information within the Department of the Navy (DON) and DOD is explained below at paragraph 7.

4. Effects of not providing the requested information. Disclosure of information is voluntary, but if you fail to disclose any or all information, counselors may be unable to evaluate your drug, and or alcohol situation with the result that you may be considered a treatment failure and discharged from the program. Also, the treatment process requires you to be video/audio taped. If you do not participate in that or any other aspect of the treatment process, you could be considered a treatment failure and discharged from the program. If you are unable or refuse to participate or cooperate in, or fail to complete, a Level II or III alcohol rehabilitation program, or fail to follow a directed aftercare program, you may be processed for administrative separation for treatment failure.

5. Your right to obtain records. You may review or obtain copies of all records retrievable by your name, social security number, or other personal identifier.

6. Non-confidential disclosures. Although most disclosures made as part of any DON substance abuse counseling, treatment or rehabilitation program, and records kept in connection with these programs are confidential, the following are not considered confidential. These disclosures may be used for appropriate administrative or disciplinary action.

- a. Homosexual acts as defined in MILPERSMAN 1910-148.
- b. Suicidal ideation when a physician or clinical psychologist makes a psychiatric referral.
- c. Information disclosed in response to official questioning under any investigation or any administrative or disciplinary proceeding.
- d. Disclosure of a past crime, illegal act, or any other incident that places the command or any of its members in jeopardy.
- e. Disclosure that any crime or illegal act is about to take place. Such information shall be immediately transmitted to your Commanding Officer (and potential victim, if any).
- f. Disclosure of child abuse. State and federal laws, as well as Navy regulations, require the reporting of evidence of child abuse. Suspected or known child abuse must be reported to the Family Advocacy Representative (FAR) and/or civilian Child Protective Service.

Patient Name	Rank/Grade	Sex
SSN/Identification Number	Status	Date of Birth
Branch of Service	Organization	
Sponsor's Name	Relationship to Sponsor	

Privacy Act Statement (Cont'd.)

7. Scope of confidentiality and use of your information

a. General. Except as noted above, disclosures made as part of any DON substance abuse counseling, treatment or rehabilitation program, and records kept in connection with such program, are considered confidential and may not be released outside DOD, subject to some exceptions. There are limitations on how confidential disclosures and records may be used within DOD and DON. Those limitations are described later.

b. Who may access your confidential information. Your Commanding Officer has access to all the information you disclose during your participation in a DON or DOD substance abuse program. Your Commanding Officer may delegate that authority to other command personnel, who may access that information on a "need to know" basis. Other DOD and DON personnel (such as authorized drug and alcohol screening, counseling, and treatment personnel, and medical personnel) who have a "need to know" may also be authorized access to your information for uses consistent with their duties. Disclosures outside DOD are strictly limited.

c. How your confidential information may be used

(1) Use within the program. Authorized personnel within a substance abuse program in which you are involved may use your confidential disclosures and records for identification, diagnosis, prognosis and treatment.

(2) Use at disciplinary proceedings. Confidential disclosures made during the course of this program in some cases may be used against you in disciplinary proceedings.

(3) Use at administrative proceedings. Confidential disclosures made as part of any DON substance abuse counseling, treatment or rehabilitation program, and records kept in connection with such program, may be used against you in administrative discharge proceedings, subject to the following conditions.

(a) If you are a valid, voluntary self-referral to a substance abuse treatment and rehabilitation program, are found to be drug-dependent and seek treatment, you will normally be processed for administrative separation using the notification procedures described in MILPERSMAN 1910-402. The least favorable characterization of service would be a General Discharge (Under Honorable Conditions) unless other UCMJ violations exist.

(b) If you are involuntarily referred to a substance abuse treatment and rehabilitation program, and are found to be involved in drug abuse, you will normally be processed for administrative separation using the Administrative Board procedures unless other UCMJ violations exist. The least favorable characterization of service possible under these procedures is Other Than Honorable.

(4) Other uses. Your Commanding Officer may use any information from your substance abuse treatment and rehabilitation program to modify or revoke your security clearance or take other administrative action. The limitations on use of confidential disclosures you make to authorized substance abuse program personnel do not apply to disclosures you make to anyone else, who may or may not be bound by other confidentiality rules. Likewise, these limitations do not apply to disclosures made in response to official questioning in connection with any investigation or disciplinary proceeding.

Screening/Assessment

Patient Signature: _____ Date _____

Counselor Signature: _____ Date _____

Treatment

Patient Signature: _____ Date _____

Counselor Signature: _____ Date _____

Patient Name	Rank/Grade	Sex
--------------	------------	-----